



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 7835-99
18 April 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1050 MPO-40 of 3 March 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1050
MPO-40

03 MAR 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) MMER Route sheet of 29 Feb 00, Docket No. 7835-99
(b) Code of Federal Regulations, Title 37, Section 501
(c) DoD Financial Management Regulations, Chapter 35
(d) MCO P1050.3H

1. Reference (a) requested an opinion on the BCNR application for [REDACTED]

2. This office recommends that [REDACTED] be paid for accrued leave not to exceed 0.5 days. The Leave and Earnings statement provided by [REDACTED] (contained in reference (a)) indicates a previous payment for 32 days-accrued leave as of 800801. Mr. [REDACTED] Department of Defense (DD) Form 214 (also contained in reference (a)) indicates a total payment for 59.5 days accrued-leave upon separation from the Marine Corps on 870203.

3. Per references (b) through (d), the total amount of leave for which military members may be paid cannot exceed sixty (60) days during a military career. Reference (b), paragraph (f) specifically states:

"For the purposes of this subsection, the number of days upon which payment may be based shall be determined without regard to any break in service or change in status in the uniformed services."

3. POC is MGySgt W. Hosea, (CMC MPO-40) at DSN 278-9386, commercial (703) 784-9386, or Fax, 784-9815.

Edward G. Sherrill
EDWARD G. SHERRILL
By direction